SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SECOND LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 10, 2001

Ninety-third Day

Pursuant to adjournment the Senate was called to order by President Halford at 11:32 a.m.

The roll showed twenty members present.

The prayer was offered by the Chaplain, Pastor Mike Rose of the Bethel Assembly of God. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Heavenly Father, thank You for this spectacular day. We rejoice with the Psalmist who said, "This is the day that the Lord has made we will rejoice and be glad in it." God thank You for the rich heritage of faith that we have as a nation; "one nation under God." Lord, help us to remember as a people the truth of the scripture, which instructs us that only those nations are blessed, whose God is the Lord.

Lord, Your word tells us where there is no vision the people perish. Where there is no divine revelation the people cast off restraints. I pray for renewed revelation regarding the authority of God and respect for the laws of the land. Lord, I pray that our schools would once again be a safe place for our children. I pray that as a nation we will find our moral compass and be rescued from the apathy, indifference and depravity which assaults our society.

Heavenly Father, I pray for those in the Senate today. Give them wisdom that comes from above. Give them strength and guidance to do their job in the spirit of excellence. Lord, may Your kingdom come, Your will be done in our great state as it is in heaven. In the matchless name of Jesus I pray,

Amen.

Senator Green led the Senate in the Pledge of Allegiance.

Certification

Senator Leman moved and asked unanimous consent that the journal for the ninety-second legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

Messages from the House

Message dated April 9 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Resolutions

HCR8

CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES) BY THE HOUSE RESOURCES COMMITTEE,

Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

was read the first time and referred to the Resources Committee.

HB 103

Message dated April 10 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 103(FIN)(brf sup maj fld) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 103(FIN)(brf sup maj fld S)

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Mulder, Chair Representative Williams Representative Davies

Senator Leman moved that the Senate recede from its amendment and recommended the body vote no.

Senator Ellis called the Senate. The call was satisfied.

The question being: "Shall the Senate recede from its amendment?" The roll was taken with the following result:

SCS CSHB 103(FIN) (brf sup maj fld S) Shall the Senate recede from its amendment to CSHB 103(FIN) (brf sup maj fld)?

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Nays: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

and so, the Senate failed to recede.

The Secretary was requested to notify the House.

HB 104

Message dated April 10 was read, stating the House failed to concur in the Senate amendment to CS FOR HOUSE BILL NO. 104(FIN) "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" and respectfully requests the Senate to recede from its amendment, namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 104(FIN)(brf sup maj fld S)

In the event the Senate fails to recede, the Speaker has appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative Mulder, Chair Representative Williams Representative Davies

Senator Leman moved that the Senate recede from its amendment and recommended the body vote no.

The question being: "Shall the Senate recede from its amendment?" The roll was taken with the following result:

SCS CSHB 104(FIN) (brf sup maj fld S) Shall the Senate recede from its amendment to CSHB 104(FIN)?

YEAS: 6 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Davis, Ellis, Elton, Hoffman, Lincoln, Olson

Nays: Austerman, Cowdery, Donley, Green, Halford, Kelly, Leman, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

and so, the Senate failed to recede.

The Secretary was requested to notify the House.

Standing Committee Reports

SB 155

The Health, Education and Social Services Committee considered SENATE BILL NO. 155 "An Act relating to the Alaska Commission on Postsecondary Education and the Alaska Student Loan Corporation; relating to student financial aid programs and the financing of those programs; establishing the Alaska Advantage Loan Program and the Alaska Supplemental Education Loan Program; increasing the bonding authorization of the Alaska Student Loan Corporation; providing for liens resulting from a default under AS 14.43 or AS 14.44; relating to the duties of the recorder regarding those liens; relating to defaults under the Western Regional Higher Education Compact; relating to the prohibition on discrimination regarding programs under AS 14.43; relating to fees for the review of certain postsecondary institutions; making conforming amendments; and providing for an effective date." Signing do pass: Senator Green, Chair, Senators Wilken, Leman, Davis. Signing no recommendation: Senator Ward.

The following fiscal information was published today: Fiscal Note No. 2, Department of Education and Early Development

The bill was referred to the Finance Committee.

SB 166

The Judiciary Committee considered SENATE BILL NO. 166 "An Act relating to the time of filling by appointment a vacancy in the office of United States senator." Signing do pass: Senator Taylor, Chair, Senators Donley, Therriault.

Fiscal information forthcoming.

The bill was referred to the Rules Committee.

HB 13

The Judiciary Committee considered CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(JUD) "An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas" and recommended it be replaced with

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 13(JUD)

Signing do pass: Senator Taylor, Chair, Senators Cowdery, Therriault. Signing no recommendation: Senator Donley.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, Department of Community and Economic Development

The bill was referred to the Rules Committee.

SJR 22

The Judiciary Committee considered SENATE JOINT RESOLUTION NO. 22 Proposing an amendment to the Constitution of the State of Alaska relating to the retention elections for justices of the Alaska supreme court and judges of the superior court, and recommended it be replaced with

CS FOR SENATE JOINT RESOLUTION NO. 22(JUD)

Signing do pass: Senator Taylor, Chair, Senator Donley. Signing no recommendation: Senators Cowdery, Therriault.

The following fiscal information was published today: Fiscal Note No. 1, Alaska Court System

The resolution was referred to the Finance Committee.

SB 121

The Rules Committee considered SENATE BILL NO. 121 "An Act adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of 'substantial change' as applied to an amended right-of-way lease application; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Ellis.

The bill is on today's calendar.

HB 34

The Rules Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34 "An Act relating to the statutory rule against perpetuities, to nonvested property interests and trusts, and to the suspension of the power of alienation of property; and providing for an effective date." Signing to calendar: Senator Pearce, Chair, Senators Ellis, Cowdery. Signing under other recommendations: Senator Phillips.

The bill is on today's calendar.

HB 156

The Rules Committee considered HOUSE BILL NO. 156 "An Act relating to municipal debt for development and redevelopment projects." Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Ellis. Signing no recommendation: Senator Phillips.

The bill is on today's calendar.

HJR 22

The Rules Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case. Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Phillips, Ellis.

The resolution is on today's calendar.

Introduction and Reference of Senate Resolutions

SJR 25

SENATE JOINT RESOLUTION NO. 25 BY SENATOR WARD,

Proposing an amendment to the Constitution of the State of Alaska relating to education.

was read the first time and referred to the Health, Education and Social Services, Judiciary, and Finance Committees.

SJR 26

SENATE JOINT RESOLUTION NO. 26 BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE,

Urging the President and the Congress to provide additional funding for special education services.

was read the first time and referred to the Health, Education and Social Services Committee.

Introduction and Reference of Senate Bills

SB 187

SENATE BILL NO. 187 BY SENATOR WARD, entitled:

"An Act relating to absentee voting stations."

was read the first time and referred to the State Affairs and Finance Committees.

SB 188

SENATE BILL NO. 188 BY SENATOR WARD, entitled:

"An Act establishing an education fund and a land endowment for public education; and providing for an effective date."

was read the first time and referred to the Health, Education and Social Services, Resources and Finance Committees.

Consideration of the Calendar

Second Reading of Senate Bills

SB 121

SENATE BILL NO. 121 "An Act adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of 'substantial change' as applied to an amended right-of-way lease application; and providing for an effective date" was read the second time.

Senator Torgerson, Chair, moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 920. Without objection, CS FOR SENATE BILL NO. 121(RES) was adopted and read the second time.

Senator Leman moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 121(RES) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 121(RES) "An Act adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of 'substantial change' as applied to an amended right-of-way lease application; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 121(RES) Third Reading - Final Passage Effective Date

YEAS: 17 NAYS: 3 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Cowdery, Davis, Donley, Green, Halford, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Nays: Ellis, Elton, Hoffman

and so, CS FOR SENATE BILL NO. 121(RES) passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

Second Reading of House Bills

HB 34

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34 "An Act relating to the statutory rule against perpetuities, to nonvested property interests and trusts, and to the suspension of the power of alienation of property; and providing for an effective date" was read the second time.

Senator Leman moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34 was read the third time.

The question being: "Shall SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34 "An Act relating to the statutory rule against perpetuities, to nonvested property interests and trusts, and to the suspension of the power of alienation of property; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SSHB 34 Third Reading - Final Passage

Effective Date

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

and so, SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 34 passed the Senate.

Senator Leman moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was signed by the President and Secretary and returned to the House.

HB 156

HOUSE BILL NO. 156 "An Act relating to municipal debt for development and redevelopment projects" was read the second time.

Senator Leman moved and asked unanimous consent that the bill be advanced to third reading and placed on final passage. Without objection, it was so ordered.

HOUSE BILL NO. 156 was read the third time.

The question being: "Shall HOUSE BILL NO. 156 "An Act relating to municipal debt for development and redevelopment projects" pass the Senate?" The roll was taken with the following result:

HB 156

Third Reading - Final Passage

YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

and so, HOUSE BILL NO. 156 passed the Senate, was signed by the President and Secretary and returned to the House.

Second Reading of House Resolutions

HJR 22

CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) Relating to a diverse community; condemning a recent racially motivated attack; and requesting the Municipality of Anchorage police department to continue their conclusive investigation and requesting the criminal justice system to take rapid action to reach the determination of this case, was read the second time.

Senator Leman, moved and asked unanimous consent that CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS) be held in second reading to the April 11 calendar. Without objection, it was so ordered.

Citations

Senator Leman moved and asked unanimous consent that the citations on today's calendar be held to the April 11 calendar. Without objection, it was so ordered.

Unfinished Business

SB 48

The reconsideration on CS FOR SENATE BILL NO. 48(FIN) am "An Act relating to the determination of full and true value of taxable municipal property for purposes of calculating funding for education and certain other programs, to incorporation of third class boroughs, to incorporation of certain boroughs in the unorganized borough and annexation of portions of the unorganized borough to boroughs and unified municipalities, and to the formation of separate unorganized boroughs; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

SB 99

The reconsideration on SENATE BILL NO. 99 "An Act relating to the DNA identification registration system" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Announcements

Announcements are at the end of the journal.

Engrossment

SB 121

CS FOR SENATE BILL NO. 121(RES) "An Act adding, for purposes of the Alaska Right-of-Way Leasing Act, a definition of 'substantial change' as applied to an amended right-of-way lease application; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Enrollment

SB 58

SENATE BILL NO. 58 "An Act relating to the membership and quorum requirements of the State Medical Board" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:35 a.m., April 10, 2001.

SB 112

CS FOR SENATE BILL NO. 112(FIN) "An Act placing certain employees of the Alaska Mental Health Trust Authority in the exempt service; establishing a minimum salary for the long term care ombudsman; and providing for an effective date" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:35 a.m., April 10, 2001.

SJR 10

HOUSE CS FOR SENATE JOINT RESOLUTION NO. 10(MLV) am H Urging the United States Congress to fully fund the operational readiness and recapitalization requirements of the United States Coast Guard, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:35 a.m., April 10, 2001.

SJR 14

CS FOR SENATE JOINT RESOLUTION NO. 14(STA) Urging President Bush, the United States Department of State, and the United States Congress to intervene and negotiate with the government of Canada to reconsider the imposition of a fee to transport firearms through Canada, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 10:35 a.m., April 10, 2001.

Adjournment

Senator Leman moved and asked unanimous consent that the Senate stand in adjournment until 10:45 a.m., April 11, 2001. Without objection, the Senate adjourned at 12:29 p.m.

Heidi Vogel Secretary of the Senate

April 2001

Announcements

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

STANDING COMMITTEES

- + indicates teleconference
- = indicates bill previously heard/scheduled

COMMUNITY & REGIONAL AFFAIRS			
	Wednesday HOME RULE COMMU	Fahrenkamp 203 UNITIES	1:30 PM
Apr 13	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
FINANCE			
+ SJR 22 + SB 166	Meeting Canceled ASST.ADJUTANT GEI CONST. AM: JUDICIA <pending referral=""> APPOINTMENT OF US <pending referral=""></pending></pending>	S SENATORS	9:00 AM NSE
+ Apr 11 = SB 29	Wednesday APPROP: GOVERNOR Telecommunications Ov Bills Previously Heard/S	Senate Finance 532 L'S CAPITAL BUDGET verview	9:00 AM
Apr 12 SB 179	Thursday AIDEA BONDS FOR C Bills Previously Heard/S	GAS PUBLIC UTILITIES	9:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 11 Wednesday Butrovich 205 1:30 PM

Continuation: Medicaid Directions

Alzheimer's/Dementia Breast and Cervical Cancer Bills Previously Heard/Scheduled

JUDICIARY

Apr 11 Wednesday Beltz 211 1:30 PM

+= SB 145 VILLAGE PUB.SAFETY OFFICER PROGRAM

+= HB 150 INSURANCE PREMIUMS FOR RENTAL VEHICLES

Bills Previously Heard/Scheduled

Apr 13 Friday Beltz 211 1:30 PM

No Meeting Scheduled

LABOR & COMMERCE

Apr 10	Tuesday	Beltz 211	1:30 PM
+= SB 138	INSURANCE CODE AMENDME	NTS	
⊥- SD 20	LINEMDI OVMENT COMDENÇA	TION DENEEITS	

+= SB 30 UNEMPLOYMENT COMPENSATION BENEFITS + HB 81 DENTISTS/DENTAL HYGIENISTS & ASSISTANTS

Apr 12 Thursday Beltz 211 1:30 PM

+= SB 138 INSURANCE CODE AMENDMENTS

+= SB 30 UNEMPLOYMENT COMPENSATION BENEFITS

<Above Item Removed from Agenda>

+ SB 165 EDUCATION TAX ON EMPLOYMENT
 + SB 170 RAILROAD EMPLOYEE SALARIES AND WAGES

+ SB 168 COMMERCIAL FISHING LOAN PROGRAM

RESOURCES

Apr 11 Wednesday Butrovich 205 3:30 PM

+= SB 24 LEGIS APPROVAL OF SEAFOOD/FOOD SAFETY LAB

+= SB 139 STATE WATER USE

+ Bills Previously Heard/Scheduled

Apr 13 Friday Butrovich 205 3:30 PM

No Meeting Scheduled

RULES

Apr 10		Fahrenkamp 203	10:45 AM
SB 121	RIGHT-OF-WAY L	EASING ACT	
		Fahrenkamp 203	10:30 AM
SB 172	COURT SYSTEM A	ANNUAL REPORT	
SJR 21	EXTEND FEDERA	L TANF GRANTS	

STATE AFFAIRS

Apr 10	Tuesday No Meeting Scheduled	Beltz 211	3:30 PM
	Thursday CAMPAIGN FINANCE: CONTRI <pending referral=""> Bills Previously Heard/Scheduled</pending>	Beltz 211 B/DISCLOS/GRC	3:30 PM DUPS

TRANSPORTATION

Apr 10	Tuesday	Butrovich 205	1:30 PM	
+ SB 152	DOTPF-RELATED CONT	RACT CLAIMS		
+= HB 8	LEGIS.PIONEER ROAD I	DEVELOPMENT TASK	FORCE	
+= SB 44	ALASKA TOLL BRIDGE	AND CAUSEWAY AU	THORITY	
+= SB 45	APPROP: DESIGN OF KN	NIK ARM CROSSING		
	Bills Previously Heard/Sch	eduled		
Apr 12	Thursday No Meeting Scheduled	Butrovich 205	1:30 PM	
JOINT COMMITTEES				

ADMINISTRATIVE REGULATION REVIEW

Apr 10	Tuesday Meeting Canceled	Capitol 102	2:45 PM
Apr 17	Tuesday Meeting Canceled	Capitol 102	2:45 PM

ADMINISTRATIVE REGULATION REVIEW (continued)

Apr 24 Tuesday Capitol 102 2:45 PM
+ Proposed/Approved Regulations

+ Mariculture Regulations

Department on Pioneer Homes

CONFERENCE COMMITTEE ON HB 103

Apr 11 Wednesday Senate Finance 532 3:00 PM

<Pending Appointment of Senate Members>

HB 103 APPROP: OPERATING BUDGET

CONFERENCE COMMITTEE ON HB 104

Apr 11 Wednesday Senate Finance 532 3:00 PM

<Pending Appointment of Senate Members>

HB 104 APPROP: MENTAL HEALTH BUDGET

LEGISLATIVE COUNCIL

Apr 10 Tuesday Senate Finance 532 2:00 PM

Natural Gas Study

FY00 Audit of Legislature

Mat-Su Lease

Legal Services Contract Amendment

PNWER Dues

IT Subcommittee Report/Recommendations

LIO Computer Purchase Approval

NCSL Dues

OTHER MEETINGS

CHILDREN'S CAUCUS

Apr 10 Tuesday Fahrenkamp 203 12:00 PM

+ Alaskans for Tobacco-Free Kids

Apr 17 Tuesday Fahrenkamp 203 12:00 PM

+ ASSETS: Building a framework for

development of youth

CHILDREN'S CAUCUS (continued)

Apr 24 Tuesday Fahrenkamp 203 12:00 PM

+ Alaska Humanities Forum:

Intrastate Urban/Rural Student Exchange

FISCAL POLICY CAUCUS

Apr 11 Wednesday Butrovich 205 8:00 AM

JOINT SESSION

Apr 11 Wednesday House Chamber 11:00 AM

US Senator Ted Stevens' Annual Message